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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,215	09/22/2006	Michelle L. Hudack	Q92643	1181
23373 7590 10/31/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER COPPINS, JANET L.	
			ART UNIT	PAPER NUMBER
			1626	
			MAIL DATE	DELIVERY MODE
			10/31/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/579,215

**Applicant(s)**

HUDACK ET AL.

**Examiner**

JANET L. COPPINS

**Art Unit**

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4 and 6-15 is/are pending in the application.
- 4a) Of the above claim(s) 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4 and 15 is/are rejected.
- 7) ☒ Claim(s) 6-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. Claims 1, 4, and 6-15 are pending in the instant application.

#### ***Response to Amendment***

2. Applicants' Amendment and Response, submitted July 11, 2008, has been reviewed by the Examiner and entered in the file. Accordingly, claims 1, 4, 6-8, 10 and 11 have been amended, claims 2, 3 and 5 have been canceled, and new claim 15 has been added.

#### ***Status of the Claims***

3. Claims 1, 4 and 6-15 are now pending in the instant application. Claims 12-14, as previously stated, are withdrawn from further consideration by the Examiner as being drawn to non-elected inventions. The withdrawn subject matter is patentably distinct from the elected subject matter as it differs in structure and element and would require separate search consideration, since for example, an electronic device that anticipates claim 12 would not anticipate the monomer recited in claim 1. Accordingly, claims 12-14 remain withdrawn from consideration.
4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

#### ***Previous Claim Rejections –***

#### ***35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 10 and 11 previously rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In view of Applicants' amendments to the claims, the indefiniteness rejections have been overcome and are withdrawn.

***35 USC § 102***

7. (a) Claims 1,2 and 10 previously rejected under 35 U.S.C. 102(b) as being anticipated by Senoo et al, EP 953624 A1.

(b) Claims 1, 2, and 10 previously rejected under 35 U.S.C. 102(b) as being anticipated by Nakata et al, U.S. Pat. No. 5,932,383.

Since Applicants have canceled claim 2 and further limited the scope of claim 1, the above art rejections (a) and (b) are withdrawn.

(c) Claims 5 and 10 previously rejected under 35 U.S.C. 102(a) as being anticipated by Nakajima et al, JP 2003-316044. Since Applicants have canceled claim 5 and further limited claim 10, the rejection is withdrawn.

***35 USC § 103***

8. Claims 3 and 4 previously rejected under 35 U.S.C. 103(a) as being unpatentable over JP 05-025473, to Takuma, Hirotsuke. In view of Applicants' amendatory changes to the claims in order to delete claim 3 and narrow the scope of claim 4, the rejection has been overcome and is withdrawn.

***New Claim Rejections-***

***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1, 4 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for failing to define essential elements, i.e. claim 1 depicts the variable "Z" in the structural formula recited in the claim, however Applicants have failed to define "Z" within the claim and it is not clear what is encompassed by the variable "Z." Accordingly, the claim has not been further treated on the merits.

12. Claims 4 and 15 recite "Z" in the claim language, followed by limitations for the variable "Z." There is insufficient antecedent basis for these limitations in the claim since "Z" has not been defined in claim 1. Clarification is requested.

***Claim Objections***

13. Claims 6-11 are objected to as being depending on rejected base claims.

***Conclusion***

14. In conclusion, claims 1, 4 and 6-15 are pending in the instant application. Claims 12-14 are currently withdrawn from consideration. Claims 1, 4 and 15 are currently rejected, and claims 6-11 are objected to.

***Telephone Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JANET L. COPPINS whose telephone number is (571)272-0680. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on 571.272.0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/REI-TSANG SHIAO /

Janet L. Coppins  
October 27, 2008

REI-TSANG SHIAO  
Primary Examiner, Art Unit 1626